

الْبَابُ الْعَاشِرُ

إِعَانَةُ شُيُوخِهِمْ وَضُعْفَائِهِمُ الْمَالِيَّةُ

CHAPTER TEN

FINANCIAL SUPPORT FOR THE
ELDERLY, INFIRM AND FEEBLE
AMONGST THE NON-MUSLIMS

١/٩٠. عَنْ عَبْدِ اللَّهِ بْنِ حَذَرْدٍ الْأَسْلَمِيِّ قَالَ: لَمَّا قَدِمْنَا مَعَ عُمَرَ بْنِ الْخَطَّابِ الْجَابِيَةَ، إِذَا هُوَ بِشَيْخٍ مِنْ أَهْلِ الذَّمَّةِ يَسْتَطْعِمُ. فَسَأَلَ عَنْهُ، فَقُلْنَا: يَا أَمِيرَ الْمُؤْمِنِينَ، هَذَا رَجُلٌ مِنْ أَهْلِ الذَّمَّةِ كَبُرَ وَضَعُفٌ. فَوَضَعَ عَنْهُ عُمَرُ الْجِزْيَةَ الَّتِي فِي رَقَبَتِهِ. وَقَالَ: كَلَفْتُمُوهُ الْجِزْيَةَ حَتَّى إِذَا ضَعُفَ تَرَكْتُمُوهُ يَسْتَطْعِمُ. فَأَجْرَى عَلَيْهِ مِنْ بَيْتِ الْمَالِ عَشْرَةَ دَرَاهِمَ، وَكَانَ لَهُ عِيَالٌ.
رَوَاهُ ابْنُ عَسَاكِرَ.

90/1. 'Abd Allāh b. Ḥadrad al-Aslamī said:

"When we reached al-Jābiya with 'Umar b. al-Khaṭṭāb رضي الله عنه, there was an elderly man from the non-Muslim citizens who was begging of others and asking for food. 'Umar inquired about him and we said: 'O Commander of the Faithful! This is a man from the non-Muslim citizens. He is elderly and weak.' Upon learning of this, 'Umar exempted him from the tax that was due from him and said: 'You burdened him with the payment of the tax and when he became weak you left him to beg!' Then 'Umar provided him with ten dirhams [monthly] from the public treasury because he had his family."¹

Reported by Ibn 'Asākir.

٢/٩١. إِنَّ أَمِيرَ الْمُؤْمِنِينَ عُمَرَ رضي الله عنه مَرَّ بِشَيْخٍ مِّنْ أَهْلِ الذَّمَّةِ، يَسْأَلُ عَلَى أَبْوَابِ النَّاسِ. فَقَالَ: مَا أَنْصَفْنَاكَ أَنْ كُنَّا أَخَذْنَا مِنْكَ الْجِزْيَةَ فِي شَيْئِكَ، ثُمَّ ضَعَعْنَاكَ فِي كِبَرِكَ. قَالَ: ثُمَّ أَجْرَى عَلَيْهِ مِنْ بَيْتِ الْمَالِ مَا يَصْلُحُهُ.
رَوَاهُ أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَامٍ فِي الْأَمْوَالِ.

¹ Set forth by •Ibn 'Asākir in *Tārīkh Dimashq al-kabīr*, 27:334.

91/2. Abū 'Ubayd al-Qāsim b. Salām mentioned in *Kitāb al-Amwāl*:

"The Commander of the faithful, 'Umar رضي الله عنه, passed by an elderly man amongst the non-Muslim citizens who was begging at people's doors. 'Umar said to him: 'We have not been fair to you, as we have taken the tax from you when you were younger but left you in helplessness in your old age.' After that, 'Umar issued instructions for the man to receive enough money from the public treasury that would take care of his needs."¹

Reported by Abū 'Ubayd al-Qāsim b. Sallām in *al-Amwāl*.

٣/٩٢. مَرَّ عُمَرُ بْنُ الْخَطَّابِ رضي الله عنه بِبَابِ قَوْمٍ وَعَلَيْهِ سَائِلٌ يَسْأَلُ، شَيْخٌ كَبِيرٌ ضَرِيرٌ
الْبَصَرِ، فَضَرَبَ عَضْدَهُ مِنْ خَلْفِهِ، وَقَالَ: مِنْ أَيِّ أَهْلِ الْكِتَابِ أَنْتَ؟ فَقَالَ: يَهُودِيٌّ.
قَالَ: فَمَا أَلْجَأَكَ إِلَى مَا أَرَى؟ قَالَ أَسْأَلُ الْجِزْيَةَ وَالْحَاجَةَ وَالسَّنَّ. قَالَ: فَأَخَذَ
عُمَرُ يَدَهُ وَذَهَبَ إِلَى مَنْزِلِهِ فَرَضَخَ لَهُ بِشَيْءٍ مِنَ الْمَنْزِلِ. ثُمَّ أَرْسَلَ إِلَى خَازِنِ بَيْتِ
الْمَالِ، فَقَالَ: انْظُرْ إِلَى هَذَا وَضُرْبَائِهِ، فَوَاللَّهِ، مَا أَنْصَفْتَاهُ أَنْ أَكَلْنَا شَيْبَتَهُ، ثُمَّ نَخَذُلُهُ
عِنْدَ الْهَرَمِ ﴿إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ﴾ وَالْفُقَرَاءُ هُمُ الْمُسْلِمُونَ، وَهَذَا
مِنَ الْمَسَاكِينِ مِنْ أَهْلِ الْكِتَابِ. وَوَضَعَ عَنْهُ الْجِزْيَةَ وَعَنْ ضُرْبَائِهِ.
رَوَاهُ أَبُو يُوسُفَ.

92/3. Imam Abū Yūsuf described the same report in *Kitāb al-kharāj* in the following words:

"'Umar b. al-Khaṭṭāb رضي الله عنه passed by the door of some people and there was an elderly blind man there, begging. 'Umar put his hand on his arm from behind and asked: 'To which group amongst the People of the Book do you belong?' The man replied: 'I am a Jew.' 'Umar then asked him: 'So why are you begging?' 'I am begging for money,' the man said, 'so I can pay the tax and fulfil my needs, because I am too old to earn money.' 'Umar took him by the hand and led him to his home and gave him a few things, then he sent him to the treasurer

¹ Set forth by •Abū 'Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 57 §119.

of the public treasury and said: 'Take care of him and those like him, for by Allah, we have not treated him fairly if we benefited from him in his younger days but left him helpless in his old age!' [Then he recited the verse] *«Indeed, alms (Zakāt) are meant for the poor and the indigent»*¹ and the poor are amongst the Muslims and this one is from the indigent amongst the People of the Book. So 'Umar exempted him and those like him from the payment of taxes."²

Reported by Abū Yūsuf.

• قَالَ مَالِكٌ: مَضَتْ السَّنَةُ أَنْ لَا جَزِيَّةَ عَلَى نِسَاءِ أَهْلِ الْكِتَابِ، وَلَا عَلَى صِبْيَانِهِمْ، وَأَنَّ الْجَزِيَّةَ لَا تُؤْخَذُ إِلَّا مِنَ الرِّجَالِ الَّذِينَ قَدْ بَلَغُوا الْحُلُمَ.

Imam Mālik said: "It was the rule (in Muslim states) that the women and children of the People of the Book were not liable to pay the security tax; it was collected only from the adults."³

٩٣/٤. وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: لَا جَزِيَّةَ عَلَى عَبْدٍ وَفِي رَفْعِهِ نَظَرٌ وَهُوَ ثَابِتٌ عَنِ ابْنِ عُمَرَ.

93/4. It is related that Allah's Messenger ﷺ said:

"The security tax is not obligatory for the hired servants."⁴

• قَالَ ابْنُ الْمُنْذِرِ: أَجْمَعَ كُلُّ مَنْ نَحْفَظُ عَنْهُ مِنَ أَهْلِ الْعِلْمِ عَلَى أَنَّهُ لَا جَزِيَّةَ عَلَى الْعَبْدِ.

Ibn al-Mundhir said: "All of the jurists from whom we

¹ Qur'ān 9:60.

² Set forth by •Abū Yūsuf in *Kitāb al-kharāj*, p. 136.

³ Set forth by •Mālik in *al-Muwattā'*, 2:280.

⁴ •Ibn al-Qayyim, *Aḥkām ahl al-Dhimma*, 1:172. This tradition is considered *marfū'* but the same is proved from the authority of Ibn 'Umar ؓ.

learned concur that the security tax is not obligatory for the (hired house) servant.”¹

• عَنْ أَسْلَمَ مَوْلَى عُمَرَ إِنَّ عُمَرَ كَتَبَ إِلَى أُمَرَاءِ الْأَجْنَادِ: أَنْ لَا يَضْرِبُوا
الْجَزِيَّةَ عَلَى النِّسَاءِ، وَلَا عَلَى الصِّبْيَانِ.
رَوَاهُ عَبْدُ الرَّزَّاقِ وَالْبَيْهَقِيُّ.

According to Aslam, a freed slave of ‘Umar رضى الله عنه: “‘Umar رضى الله عنه wrote a letter to the military commanders stating that they should not impose taxes on non-Muslim women or children.”²

Reported by ‘Abd al-Razzāq and al-Bayhaqī.

¹ Cited by •Ibn al-Qayyim in *Aḥkām ahl al-Dhimma*, 1:172.

² Set forth by •‘Abd al-Razzāq in *al-Muṣannaf*, 6:85 §10090. •al-Bayhaqī in *al-Sunan al-kubrā*, 9:195 §18463.